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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/625,323	07/23/2003	Gerd Haiber	G0645.10U	7774
29633	7590	02/22/2005	EXAMINER	
ROGERS TOWERS, P.A. 1301 RIVERPLACE BOULEVARD, SUITE 1500 JACKSONVILLE, FL 32207			LEV, BRUCE ALLEN	
			ART UNIT	PAPER NUMBER
			3634	

DATE MAILED: 02/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/625,323

Applicant(s)

HAIBER ET AL.

Examiner

Bruce A. Lev

Art Unit

3634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 22,32 and 35 is/are allowed.
- 6) ☐ Claim(s) 1-21,23-31,33 and 34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

BRUCE A. LEV  
PRIMARY EXAMINER

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Information Disclosure Statement***

The ***Non-patent Literature*** cited on pane 2 of the IDS filed ***July 23, 2003*** is missing from the file. A replacement copy should be sent in by the applicant.

### ***Claim Rejections - 35 USC 102***

***Claims 1-21, 23, 27-31, and 33 are rejected*** under 35 U.S.C. ***102(e)*** as being anticipated by ***Greenhalgh 2002/0083820***.

***Greenhalgh sets forth*** a fabric panel comprising a plurality of intersecting base yarns defining a body region having edges; a supportive header (viewed as one of the edges) comprising stiffening yarns intersecting the base yarns and comprising low temperature and common polymer filaments; whereby the filaments bond upon melting and re-hardening; the heat treating temperatures of the low and common filaments being around 180 degrees C and 250 degrees C respectively ; and the method of manufacturing thereof.

### ***Claim Rejections - 35 USC 103***

***Claim 24 is rejected*** under 35 U.S.C. ***103(a)*** as being unpatentable over ***Greenhalgh in view of the Japanese Patent of Mizukami 404272251***.

***Greenhalgh sets forth*** the invention, as advanced above, except for the process of tentering the panel. However, ***Mizukami teaches*** a process of tentering a panel

Art Unit: 3634

during a heating process. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the process of heating and hardening of Greenhalgh by incorporating the panel, as taught by Mizukami, in order to increase the strength of the resulting stiffened area.

***Claims 25 and 26 are rejected*** under 35 U.S.C. ***103(a)*** as being unpatentable over ***Greenhalgh in view of Verpoest 6,184,161***.

***Greenhalgh sets forth*** the invention, as advanced above, except for the process of weaving and knitting that yarns together. However, ***Verpoest teaches*** a process of weaving and knitting yarns together. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the process of intersecting the yarns of Greenhalgh by weaving and knitting that yarns together, as taught by Verpoest, in order to more securely intersect them together before the heating process step.

***Claim 34 is rejected*** under 35 U.S.C. ***103(a)*** as being unpatentable over ***Greenhalgh in view of Haiber 6,059,009***.

***Greenhalgh sets forth*** the invention, as advanced above, except for the process of inserting grommets into the stiffened area. However, ***Haiber teaches*** a process of inserting grommets into a stiffened area of a fabric panel. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to insert grommets into the stiffened area of the fabric panel of Greenhalgh, as taught by

Haiber, in order to provide means to hang the panel from a bar or cross member.

***Allowable Subject Matter***

***Claims 22, 32, and 35 are allowed.***

The following is an examiner's statement of reasons for allowance:

Structural limitations pertaining to a ***pair of stiffened areas***, and wherein the pair of stiffened areas are *joined together to define ribs*, along with the other structural limitations are neither taught nor suggested by the prior art of record.

***Response to Amendment***

The remarks filed January 14, 2005 have been considered but are not deemed to be persuasive.

As concerns remarks pertaining to the reference of Greenhalgh, the examiner takes the position that the stiffener yarns DO "intersect" with the base yarns. Whether or not the "intersection" happens before or during the particular heat treatment is not particularly set forth. The examiner also takes the position that yarns and filaments can be considered as "intersecting" once they are melted together (or joined/connected in any similar or related manner).

As concerns remarks pertaining to a "two-component" stiffener yarn, the examiner also takes the position that the particular components of a "two-component" stiffener yarn have not been specifically set forth, and that two components combined

Art Unit: 3634

together to form one unitary component is not necessarily considered as patentable subject matter within an "apparatus" claim.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

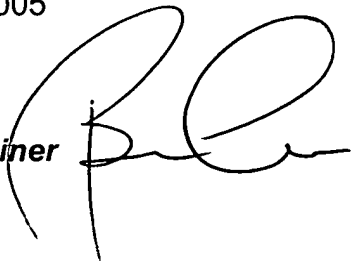
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bruce A. Lev whose telephone number is (703) 308-7470. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-2168.

February 11, 2005

**Bruce A. Lev**

**Primary Examiner**

**Group 3600**

A handwritten signature in black ink, appearing to be 'B. Lev', written over the printed name and title of the examiner.